

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Kenneth Whitehead

Docket No. 5:09-CR-333-1F

Petition for Action on Supervised Release

COMES NOW Taron N. Seburn, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Kenneth Whitehead, who, upon an earlier plea of guilty to Distribution of 5 Grams or More of Cocaine Base (Crack), in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on November 10, 2010, to the custody of the Bureau of Prisons for a term of 188 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

On June 19, 2012, pursuant to 18 U.S.C. § 3582(c)(2), the defendant's sentence of imprisonment was reduced to 84 months.

Kenneth Whitehead was released from custody on January 15, 2016, at which time the term of supervised release commenced. On June 28, 2016, a Violation Report was submitted after the defendant admitted to the use of marijuana over the June 4, 2016, weekend. The defendant was enrolled in the Surprise Urinalysis Program, and the court allowed him to continue under supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant tested positive for cocaine on July 6, 2016, which was confirmed by laboratory analysis on July 17, 2016. The defendant signed an admission of drug use form acknowledging his use of cocaine as reported. He was verbally reprimanded and counseled on his actions. Whitehead has been referred for substance abuse treatment at Second Chance Recovery in Rocky Mount, NC, and as a sanction, we are recommending he serve 2 days in jail, as directed by the probation officer. It is also recommended that he participate in the DROPS Program.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Kenneth Whitehead
Docket No. 5:09-CR-333-1F
Petition For Action
Page 2

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Taron N. Seburn
Taron N. Seburn
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2335
Executed On: August 5, 2016

ORDER OF THE COURT

Considered and ordered this 8th day of August, 2016, and ordered filed and
made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge